

RECYCLED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK : IAS PART 19

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NORTHEAST RESTORATION CORP.,

Plaintiff,

INDEX NO.
602171/2000

- against -

K&J CONSTRUCTION CO., L.P., 195
HUDSON STREET ASSOCIATES, LLC and
RELIANCE INSURANCE COMPANY,

Defendants.
-----X

EDWARD H. LEHNER, J.:

The central issue raised on this motion by defendants 195 Hudson Street Associates, LLC ("Hudson") and Reliance Insurance Company ("Reliance") for summary judgment dismissing plaintiff's mechanic's lien foreclosure cause of action and to cancel the lien is whether the lien filed against Hudson listing it as owning the entire building at 195 Hudson Street (the "Building") is valid in light of the fact that Hudson had recorded a condominium declaration transferring the various units in the Building to itself as separate tax lots at a time during the period of construction and had sold 23 of the 28 units in the Building prior to the filing of the lien.

In March 1998, Hudson, as owner in fee of the Building, entered into a contract with defendant K&J Construction Company, L.P. ("K&J") for the renovation of a warehouse-factory into a residential condominium. K&J subsequently entered into

EXH. 4